

Collective Intellectual Property in Michoacán: Negotiating Economic and Cultural Agendas in the Artisanal Field

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Abstract

The state of Michoacán, México, has almost 50 collective trademarks registered for artisanal products, which were created by initiative of different state institutions. This article aims to understand the different influences that are mediated by law when collective forms of intellectual property are incorporated and negotiated by different institutions with different aims within the realm of the state. By looking closely at the experience in Michoacán, I argue that two economic/cultural agendas can be identified. On the one hand, there is the federal agenda that aims for a national and international projection of a Mexican product, focused on the successfully industrialized national products closely linked with México's imagery for a foreign audience. On the other hand, there are the expectations of Michoacán's local government, which are strongly related with a pluralist discourse and with the different policy approaches it inspires. Between the two, the country's cultural agenda becomes shaped by economic concerns that are, in turn, defined by the worldviews of state institution's agents.

Key words

Intellectual property; designations of origin; collective trademarks; México

Resumen

El estado de Michoacán, México, tiene casi 50 marcas colectivas de productos artesanales, que fueron registradas por iniciativa de diferentes instituciones estatales. Este artículo busca comprender las variadas influencias que son mediadas por el derecho cuando se incorporan formas colectivas de propiedad intelectual, mediante la negociación de diferentes instituciones con diferentes objetivos dentro del ámbito estatal. A través de la experiencia de Michoacán, sostengo que se pueden identificar dos agendas económicas/culturales. Por un lado, se encuentra la agenda federal que busca una proyección nacional e internacional de un producto identificable como mexicano, enfocándose en los productos nacionales que han tenido una industrialización exitosa. Por otro lado, se

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encuentran las expectativas del gobierno local de Michoacán, que se relacionan íntimamente con el discurso pluralista y con las diferentes visiones de políticas públicas que este inspira. Entre estas dos agendas, la agenda cultural del país es modelada a partir de preocupaciones económicas que, a su vez, son definidas por las visiones de los agentes de las instituciones estatales.

Palabras clave

Propiedad intelectual; denominaciones de origen; marcas colectivas; México

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1. Introduction

Michoacán, México, is a state rich in its cultural diversity, which is evidenced by the vast artisanal sector that was taken to law through the use of collective forms of intellectual property (IP) in 2005. IP's popularity in Michoacán, however, is owed in great measure to the actions of state institutions devoted to culture and economic development. This article focuses on the study of the design¹ of a public cultural and economic policy that involved the creation of almost 50 collective trademarks² (CTs), most of them over the course of five years (2005-2010), in the state of Michoacán, México. The majority of these CTs belong to indigenous communities where the artisanal sector is relevant for the economic and cultural life of the community.

This article aims to contribute to an understanding of the different influences that are mediated by law when IP is used as public cultural policy. The CT policy in fact did not start as such, but as an application for a designation of origin (DO)³ for the Cotija cheese that evolved into a CT and, by looking closely at the development of the CTs project, I argue that two economic/cultural agendas can be identified. On the one hand, there is the federal agenda that aims for a national and international projection of a Mexican product, focused on the successfully industrialized national products and closely linked with México's imagery for a foreign audience. On the other hand, there are the expectations of Michoacán's local government, which are strongly related with a pluralist discourse and with the different policy approaches it inspires. Between the two, the nation's cultural agenda becomes shaped by economic concerns that are, in turn, defined by the worldviews of state institution's agents.

To carry my point, I will first make some reference to the methodological approach guiding this research. The third section of this article presents relevant elements of the local context that shape the discussion and development of the CT project from the DO application. In the fourth section, I will analyse the Cotija cheese case and how the producers came to apply for a DO. The following section presents the Mexican Institute of Intellectual Property's (IMPI) objections against Cotija's application, as representative of the technocratic right wing project of México's federal government. These objections generated the need for the participation of Michoacán's local government to advocate for the protection of artisanship, therefore, the sixth section analyses the left wing project in Michoacán. Finally, I

¹ This article is part of a wider research carried in the context of the International PhD Program in Law and Society "Renato Treves", Università degli Studi di Milano. The research focused on a policy that involved the registration of collective trademarks (CT) for artisanal products in Michoacán, studied from idea to implementation. However, this article is constrained to the results regarding the process of design of the policy and the negotiation it involved.

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² In general, a trademark is a visible sign (image, word, phrase) that identifies and distinguishes products or services (Federal Law of Industrial Property, Art. 88), effectively linking them with their producer, seller or service provider. CTs extend the use of the sign to associations, to distinguish the products or services of their members from those of others (Federal Law of Industrial Property, Art. 96), This means that they will have to comply with certain basic requirements explored later on this article, but will remain as independent producers from each other.

³ According to Mexican law, designations of origin (Dos) are established when the name of a region is used to identify a product originated in it. DOs assert that the quality and characteristics of the product are related with the region of origin's environment, understood with both natural and human factors (Federal Law of Industrial Property, Art. 156). At the request of the producers, and after due proof of the link between product and territory, the state can declare the DO and create a regulatory council. The state is the lawful owner of the DO and, through the regulatory council, it also establishes mechanisms to control its use and the quality of the products among producers in the designated region, and it guarantees that products do not claim the same origin if they are not duly authorized to do so.

present some remarks on the contributions that can be drawn from the use of collective forms of IP in Michoacán.

2. Methodology

This article is based on the accounts of the agents who were involved in the first CT experience, which set the pathway for those that followed. To understand the different connections through which the translation from the idea to the public policy was made, I used the relational biographies method, inspired by the work of Pierre Bourdieu. This method implies using biographies of key agents as starting-points to "suggest what capitals and resources have been brought into play at different stages of structuration" (Madsen 2006, p. 36). In this case, their accounts show how their own experiences and agendas have given CTs particular characteristics that go beyond what is established in the written law. However, these experiences and agendas, as well as the CT experience, are embedded in the habitus of the institutional context to which they belong. Indeed, as Bourdieu (2008) indicates, the habitus is integrated by the composite of an individual's lifestyle, values, dispositions, and expectations, associated with particular social groups, that are acquired through the activities and experiences of everyday life. The concept of habitus facilitates an explanation of the agents' actions in relation with the institutions in which they work and the different fields that interconnect in their behaviour within these institutions. This allows understanding of the ideology and intentionality of the state apparatus parting from the inertia in the actions of the agents that is based on the habitus of the legal and bureaucratic fields. In this inertia, agents consider each possibility in reference to the interests of the dominant political class.

As the aim of this article is to account for the creation of the policy, it takes as relevant sources the accounts of the agents involved in the initiation of the CT project, who come from "outside" the state, as they did not work in public administration, and also from within state institutions. The first CT in México was not initiated by state agents, but by a group of scholars and producers from the Cotija region. The Cotija Cheese was the first product in México that was granted a CT, which makes it notable to understand the experiences that followed and the development of the policy at the institutional level. Therefore an exploration of the case will provide some of the elements which shaped the CTs. However, the Cotija cheese CT was achieved in great measure due to the involvement of state institutions. In the first stage of the research I identified the main institutions involved: the Artisanry House (CASART) of the State of Michoacán, as the institution with the central responsibility for the development of the indigenous arts; the Secretariat of Economic Development of the State of Michoacán (SEDECO), which appeared with great influence in the negotiation of the project; the Mexican Institute for Industrial Property (IMPI) at the federal level, which deals with applications for CTs⁴.

In accordance with the relational biographies method, I carried twelve semi-structured interviews⁵, and attended three talks: two given by one of the

⁴ Although not a subject of this article, another federal institution eventually came to be involved with CTs: the Arts Fund (FONART). The agents carrying the CT project in Michoacán's CASART presented it at a FONART forum and the interest produced drove FONART to fund an expansion of the CTs project to 17 of the 31 Mexican states. Incidentally, the people from Michoacán's CASART also carried the expansion through FONART.

⁵ All the interviews were recorded with the informed consent of the participants in this research. I also informed them that identifiers could be removed from the data, taking into account that details about their workplace, current or previous, would be unavoidably displayed. Nevertheless, all interviewees indicated that they had no problem with their names being mentioned in the research. Hence, I have indeed used their names whenever I considered it necessary, but otherwise I have chosen to keep a less personal identification for two reasons: first, while they all said that they had "no problem" with the use of their names, none of them actually asked me to put their name to each of their statements; and

coordinators of the first CT and one by the former head of the SEDECO. I also attended a course on how to get a trademark given by an IMPI employee in the Morelia office of the Federal Secretary of Economy in 2011. To gather enough accounts of the process so as to allow challenging self-representations of institutions and officialised discourses (Madsen 2006, pp. 37–38), interviewees included: the team that handled the Cotija application; the agents who were involved in the negotiations both at the CASART and the SEDECO in Michoacán's local government; and agents who occupy managerial positions at the IMPI. Semi-structured interviews provided a framework in which the discourse of the different agents regarding CTs emerged in relation to their aims and also in respect to how much of their own ideology and interests informed the policy. I also gathered information on the background of the agents and statements made by them in newspapers and other media outlets. The wider research that explored the CT project from idea to implementation also included agents who worked in the CASART during three different administrations, in which the CT project evolved and changed throughout Michoacán's public institutions. Regarding the role of CTs in the communities, I carried observation in communities where 27 CTs were registered and in the fairs for the Day of Dead in Pátzcuaro and Palm Sunday in Uruapan from 2012 to 2014. I also interviewed eight of the CTs leaders. However, as this article focuses on the design of the policy, the information gathered in these activities is not entirely central to the argument, other than as it allows to further understand the characteristics of Michoacán's artisanal field.

In the design of the policy, the agents' accounts show how the process of legibility (Scott 1998, p. 11), as the state's strategy to approach social reality and make it understandable, is negotiated between the competing visions of state agents, who in turn translate some of their identity into the legal and public policies. However, the interview sample for this article is significant for the fact that all interviewees were mestizo, despite the fact that most trademarks in Michoacán actually belong to indigenous communities⁶. This is a reflection on the constitution of the political class in terms of ethnicity, because there was no mention of any indigenous person at any point of the design of the policy. Therefore, I consider that the projects under discussion in this article essentially speak of the mestizo identity, even as it relates to and conceives indigeneity.

3. The setting

The process in Michoacán is set within wider social phenomena that have been significant subjects for scholarly research. One of them is the expansion of IP towards collective forms widely influenced by those upholding the value of traditional cultural expressions, as will be analyzed further on. However, collective options and their potentialities highly depend on the specific political context in which they are embedded; as much as they are also embedded in globalisation. The particular context of México has significantly shaped how CTs work in Michoacán.

In México's case, the public pluricultural discourse in which CTs emerge only makes sense as it attempts to distance itself from the *indigenist* period. As the colonial period (XVI - XIX centuries) played a substantial role in redefining social relations in the Mexican territory, the violence against aboriginal peoples and the discourses that aimed to uphold their cultural inferiority as a legitimising tool⁷ have lived well

second, because identifying the elements that were more general across their discourses, when I use examples they are representative of something observed in other interviews as well.

⁶ Indeed CTs were granted to artisans' associations, which were also organised and registered by CASART agents.

⁷ Accounts of the way discourse of superiority of the settler were used to give legitimacy to the occupation of the territories can be found in several authors, examples of this are Scott (1990), Santos (2009), Bonfil (2008).

after the independence. The *mestizos*⁸ took over the elite position, and placed their own particular background as the "true" Mexican identity, seeing indigenous cultures as an obstacle. While the first hundred years of independence were marked by constant armed struggle, this conception remained. More significant to understand the discourses mediated in the CT project is the *indigenist* period, after the Mexican revolution (1910), which was characterised by what is perhaps the clearest articulation of this undermining ideology into public policy in México. This period recovered some of the strategies already implemented during Porfirio Díaz's dictatorship (1876-1910): the pre-Hispanic past was idealized, while indigenous peoples were seen as lazy, servile, distrustful, unclean and with a tendency towards vagrancy and alcoholism (Kunts and Speckman 2011, p. 520); also, education was seen as ideal to create a national culture, prohibiting the use of indigenous languages to favour integration by promoting the use of Spanish (Kunts and Speckman 2011, p. 529). Following the creation of the Secretariat of Public Education (SEP) in 1920, its leader José Vasconcelos continued with the view that indigenous peoples ought to be civilised under the postulates of a universal humanist culture (Aboites and Loyo 2011, p. 602). As the Mexican identity was projected into a modernising project based in the greatness of two cultures united, "There was no thinking about developing the aborigine cultures, because they were denied validity in advance and deemed illegitimate, excluded from any national project" (Bonfil 1999, p. 139). Anthropologists and sociologists at the time also considered that the only true way to help communities was to get them to join "modernity", seen as a separation from indigenous traditions (Marroquín in Stavenhagen 2002, p. 27).

However, the late twentieth century came with a renewed demand for recognition and respect for indigenous cultures in Latin America, which introduced pluralist discourses to the law of many countries in the region (Stavenhagen 2002, p. 24). In México, the rise of the Ejército Zapatista de Liberación Nacional (EZLN) (1994) brought forward a process of negotiation with the state regarding indigenous rights that reached a climax with the 2001 constitutional reform on indigenous rights⁹. The second article of the constitution was changed, not only to recognise México's "pluricultural composition originally based on its indigenous peoples", but also to include a variety of rights, including the right to "preserve and enrich" the different elements of their "culture and identity". This article indicated that the authorities in the three government levels (federation, state and municipality) had to "promote the respect and acknowledgement of the different cultures of the nation". This in relation also with the 4th constitutional article (2000) in which the Mexican state commits to promote cultural rights "attending to cultural diversity in all its manifestations and expressions". However the incorporation of this pluralist discourse in the written law is hardly enough to represent by itself a change in the relation between state and indigenous peoples.

Although this general context is relevant to understand the development of the CT project, other elements should be considered regarding Michoacán and the characteristics of the local artisanal production. Michoacán is one of 31 states that

⁸ Since the colony and all through México's history, words like *indigenous*, *Spaniard* and afterwards *mestizo*, make reference to a person's birth but also to their culture (García, 2011, pp. 222-223). The communication and interaction within these categories makes it impossible to assert a cultural purity. The word *mestizo* refers to people who are born and live within a culture developed from the interaction between the Spaniards' culture and those that existed before the colony in the Mexican territory (including the influences from African slaves, though considerably less visible). The emphasis of the mixture in the mestizo culture makes it different from that of the indigenous peoples, which retains cultural traits like the dressing attire or the language, but most significantly, the notion of being indigenous that prevails even when traditional clothing and the language is lost.

⁹ It is impossible to relate here a substantial account of the complicated process that took place after the EZLN rising. The indigenous constitutional reform itself has both been linked with this social movement, as it has been contested by it. The EZLN has been subject of several analyses, however, Speed's (2008) work is highlighted for its account of the movement, as well as its relation with state law and human rights.

comprise the Mexican federation and four different indigenous peoples inhabit the state: *Purhépecha*¹⁰, *Náhuatl*, *Mazahua* and *Otomie*. The development of the artisanship field in Michoacán owes quite a lot to the Spanish conquest, and the Spanish bishop Vasco de Quiroga is central to this process.

Vasco de Quiroga was the first bishop of Michoacán and had great influence in the political configuration of the state. Particularly, he is recognized for designing what was known as hospital-towns: an ideal of a town inspired by Tomas Moro's Utopia (León 2007, p. 34), the first of which was Santa Fe de los Altos (1532) near México City, and the second was Santa Fe de la Laguna (1533) in Michoacán (León 2007, p. 33). In addition to the other elements of organisation designed by Vasco de Quiroga in the hospital-towns, indigenous populations were settled in communities where the work was carried in guilds, as performed in pre-Hispanic times (Miranda 1997, p. 38). The guild organization allowed for everyone in town to have a productive activity to also hand down to their children, and created unity and communication among the different families; effectively reinforcing the collective nature of the social structure in each town.

Vasco de Quiroga also contemplated an artisan's guild in the communities as another element of the link between economic activities and social structures (Miranda 1997, p. 38, Oikión 1997, p. 22, León 2007, p. 33;). Artisanship would act as a sustainable economic activity that could be supplementary to working the field - which continued to be the main occupation in the towns -, was organised and performed collectively (León 2007, pp. 33-34), and could generate extra income for the community. Although Vasco de Quiroga is hardly responsible for all community-based activities in Michoacán, many communities continued with the model and others adopted it over time. The structure has even surpassed the indigenous world, as not all towns in which artisanship is currently developed according to this structure are necessarily indigenous.

Michoacán's artisanal production is different in each community, but shares some elements. From the observation of the artisanal work of CTs I identified the following elements as relevant to understand both the artisanal sector and how CTs developed. In most of Michoacán's indigenous communities there is at least one artisanal production, which is different from that of other communities; this allows for the functioning of a market circuit based on religious holidays¹¹. Where it was possible, the activities developed from pre-Hispanic artisanship vocations. Although many have changed over time and others developed well after the colonial period, most artisanal products claim a deep historical tradition (Miranda 1997, pp. 38, 40-48, Oikión 1997, pp. 21-22). The guild structure also entails that the artisans share technique and style, and both are developed collectively over time in a production structure based on the family as the basic work unit (each piece is often made with the participation of more than one family member). The artisans remain for the most part in the informal sector of the economy and, although many of them send part of their production abroad, this is also done by informal means, with the help of family and friends that live outside México, mainly in the U.S.

4. The beginning: Cotija

The CT "Queso Cotija. Región de Origen" (Cotija Cheese Region of Origin) was the first CT in Michoacán and it was taken as model for the CTs that followed, but while Cotija had several similarities with the artisanal sector dominated by indigenous

¹⁰ The Purhépecha language does not currently have a standard for its writing, so there are different spellings of the word Purhépecha. I have chosen to use the spelling that is more commonly found in literature. The same people was also previously known as Tarasco.

¹¹ Each community has a patron saint, and therefore a different date to celebrate the local holyday. Market places are established for this celebration which used to bring the artisans of other communities to sell their production. Francisco Javier Clavijero (in Sánchez 2007, p. 18) already recognized in the XVIII century that this structure had created a reciprocal dependence which kept the communities in the region united, allowing the arts to be perfected and for everyone to have resources to live from

communities, it also had some differences. Cotija itself is not an indigenous community, and the cheese is not produced in a community where the artisans are part of a guild. In fact, the producers organised themselves in an association only in the late 1990's. The cheese for which Cotija is famous is not actually produced in the town of Cotija, but in ranches spread over a mountain territory between the state of Michoacán and Jalisco (the Jalmich mountain chain). Nevertheless, the family is also the production unit for the Cotija cheese, and the different techniques and procedures are shared among all the ranchers who do not hold a regular or formal registration for tax purposes. The geographical situation of the ranchers makes commercialisation of the cheese particularly expensive but, at the same time, their remoteness, lack of industrialisation and even the fact that their cows do not produce milk all year, is considered to be fundamental to the high quality of the cheese (Barragán 1990, 2008; further information about the process of the Cotija cheese can be found here: Chombo 2005, 2008; Linck *et al.* 2006).

However, according to the agents involved with the Cotija case, the producers were facing great difficulties due to what they considered as an invasion of their market. In fact, the agents of the CASART and the SEDECO, as well as the artisans themselves, consider that market invasion is a general problem for most of Michoacán's artisanal production. While the prestige of Cotija cheese was indeed somewhat established even outside Michoacán, this did not mean that they were getting the benefits of their good reputation. Cotija was becoming a common way to name aged cheeses in general, which was said to be endangering not just the production of the cheese itself, but the lifestyles of Cotija's ranchers (Barragán and Chávez 1998; Barragán 2008). All agents agreed that the protection of IP was sought because of the need to "protect authenticity" from the dangers of globalisation. Market invasion is a common concern that leads to IP protection (another case can be seen in Rangnekar 2009) and it often implies the belief that the local product is in fact "authentic", as a way to assert its legitimacy against others produced somewhere else or some other way.

Nevertheless, Cotija's turn toward IP did not come from its general acceptance as a way to deal with market invasion, but from the inspiration drawn from Europe by the main agents involved in the process. A group of scholars with three fundamental things in common led the project: they had a close personal relation with Cotija, either because of family relations or themselves having been born there; they were scholars with academic training in Europe; and they had further resources either through working in leading academic institutions or working in or close to the local government. The following three persons led the Cotija's DO application:

- Ruben Álvarez Barajas was born and raised in México City, but his family was from Cotija and he spent quite some time there growing up. He studied at the Universidad Nacional Autónoma de México (UNAM) in México City, getting a master in Animal Nutrition; however, he also got a scholarship to study a speciality in Bovine Zootecnia in Italy. On coming back to México he entered the Institute for Biomedical Research at the UNAM, where he was hired to do research on bovine nutrition and alimentation. After almost a decade, he created a "spinoff" from academia and opened a factory in Cotija to produce a food for bovines that he developed during his research. Later on he became involved in politics and worked as a councilman in the city hall, working in projects related to the Cotija cheese promotion.
- Patricia Chombo Morales is Ruben's sister in law and visited him often in the town of Cotija. She got a first degree in the pharmaco-chemical field from the UNAM, and a Master in Food Science, specializing in milk, in England. Her interest in dairy products research and her contacts with Cotija led her to research the milk and the cheese from the region, while working for the Centre of Research and Assistance in Technology and Design of the State of

Jalisco (CIATEJ) in a project for the National Council of Science and Technology (CONACYT). Incidentally, the project that she was working on aimed to study the problems of the dairy sector in western México, in order to understand the demands of the North American Free Trade Agreement (NAFTA).

- Esteban Barragán, who was born in the Cotija region, comes from a ranching family that produces Cotija cheese. He studied commercial relations at Jiquilpan's Technological Institute, and later was part of the first group of students of the Master in Rural Studies at the Colegio de Michoacán (COLMICH), which is the most prestigious academic institution for social sciences in Michoacán. He then went on to study a PhD in Human Geography and Rural Development in the University of Toulouse le Mirail II, France, where he graduated in 1994. He is now a professor and researcher of the COLMICH in the Centre for Rural Studies, where he conducts research about ranchers and the Cotija cheese in relation with the development of the region.

The contact among these main agents in the Cotija project began in the late 80's and early 90's when Ruben Álvarez was involved in the municipal administration and began the project of the Cotija cheese fairs as an activity to promote the product and attract tourism to the region. The fairs would include not only tastings of the cheese, but also conferences on its production process, cultural activities and even cooking and environmental protection contests, all to take place in Cotija. At the same time, Ruben Álvarez had began a partnership with Patricia Chombo in order to develop and apply sanitation measures necessary for further improvement and promotion of the product. They then created the Regional Association of Cotija Cheese Producers in order to spread and organize the sanitation procedures and new commercialisation strategies, thus gathering over 90 dispersed local producers from five different and remote municipalities (Boucher 2006), and increasing the possibilities to grow a project that would benefit as many of them as possible. When they met Esteban Barragán, they knew already some of his work regarding Cotija cheese's social value and danger of extinction due to the complications for commercialisation that came with the market invasion; which, according to Barragán's work, also endangered the live styles of Cotija ranchers (Barragán and Chávez 1998).

All three of them continued working with the Regional Association of Cotija Cheese Producers looking for options to improve the living conditions of the ranchers and the commercialisation of Cotija cheese. Their personal connection with Cotija was the obvious reason why they had separately studied the quality of the product, its relation to the place and its possible future extinction (Barragán and Chávez 1998, Chombo 2005, Barragán 2008); but each had also observed the success of geographical indications and DOs in Europe, where indeed there is a history of protecting European rural elite traditions and products through the exaltation of their quality in relation with geography and human practices (Schultz 2005, pp. 460–463, Coombe and Aylwin 2011, p. 2034, Aylwin and Coombe 2014, p. 774). This inspiration came forward in the interviews with Ruben Álvarez and Patricia Chombo, and it was often mentioned by Esteban Barragán in talks about the Cotija cheese; it is also evident in the article in which the later connects Cotija with the Roquefort region, (Linck *et al.* 2006)¹². DOs are being used in different parts of the world as a way to legally identify a good as essentially linked to a specific territory that gives it particular characteristics and reputation. This is a recognition of a product's value but also a recognition of the value of the cultural practices behind it and even of the importance of the conservation of the natural resources in a certain territory (Lucas-Schloetter 2004, pp. 311–312, Linck *et al.* 2006, Kongolo 2008, pp. 118, 129, Rangnekar 2009, Linck and Barragán 2010).

¹² The article is coauthored by Barragán.

The combined experience in human geography, biomedicine and veterinary science, of the agents integrating the Cotija team, and their institutional resources, made it possible for the small town of Cotija to manage the extensive and expensive demands of the IMPI (Barragán and Chávez 1998). Generally, the process of getting a DO requires the mobilization of a significant number of people and resources to prove that there is a connection between product, space and human practice, through history (Barragán 2008; Chombo 2005; Rangnekar 2009), in a way that the law can accept as valid. The Cotija team managed the characterisation of the product and the development of strategies of sanitation that would allow for further commercialisation without changing its specificity, but the DO application also encompassed the "way of life" of the ranchers as described by Barragán (Barragán and Chávez 1998), and which he saw as fundamental to the continuation of the production of the Cotija cheese. However, once the application was submitted, the Cotija team faced the opposition from the IMPI.

5. The first stage: the Mexican Institute of Industrial Property

When the Cotija team turned to the IMPI with an application for a DO they faced new and far more political challenges than they had anticipated, mainly due to the IMPI's opposition to their application. The IMPI is a decentralised organism, with its own legal personality and patrimony. However, to understand the context and content of IMPI's opposition to granting a DO for Cotija cheese, it is necessary to understand how the IMPI is connected with the economic agenda of the Mexican neoliberal technocracy. The IMPI itself was created as a result of the negotiation of the NAFTA, during Carlos Salinas's government (1988-1994), through which the *Agreement on Trade-Related Aspects of Intellectual Property* (TRIPs), promoted by the USA at the World Trade Organization (WTO), was adopted early by México (Aboites and Soria 2008). New legislation for industrial property was promulgated within this negotiation, and so the Federal Law of Intellectual Property was created in 1991 mandating the creation of the IMPI as the administrative authority regarding industrial property. It was probably no coincidence that Jorge Amigo was left in charge of the IMPI, as he had previously negotiated the NAFTA's investment chapter (Suárez 2011)

In a way, the IMPI's internal stability is itself an example that shows the permanence of a neoliberal economic agenda in México, which remains despite the political alternation that the country has experienced over the last couple of decades. Indeed, after over 70 years of government by the Institutional Revolution Party (PRI), the National Action Party (PAN) entered into power in 2000 and until 2012, after which the PRI returned to power. While the PRI's antecedents were of a social-democratic orientation after the Mexican revolution, it soon took a neoliberal turn, along with the Mexican state in the second half of the twentieth century. After 70 years in government, the PRI was considered in México and abroad to be somewhat of a "perfect dictatorship". However, as the process here described suggests, the change of political party hardly represented a change in the country's economic agenda. Jorge Amigo continued to direct the IMPI for eighteen years – from its foundation in 1993 until 2011. If there is a change in Mexican politics with the political transition between the PRI and the PAN, it is clear that it does not extend to the economic agenda that is pursued through the IMPI, since this stability of the agents in an institution expresses a continuity of the project that the agents embody as part of a field.

Incidentally, this is also the period during which the Cotija GI application was dealt with and most of Michoacán's CTs were granted. Although I was not able to interview this IMPI director, I interviewed the Deputy Director General of Industrial Property who has also been in office since the IMPI was created. These government officials are not USA-educated lawyers and economists, as those identified by Dezalay and Garth (2002) as shaping the political and economic futures of many Latin American countries. They are, however, an economist and a lawyer who were

trained in high profile private universities in México, partially in universities closely linked with the USA and partially in Catholic universities, either from the Legionaries of Christ congregation or the Opus Dei. They were both also involved in the negotiation of the NAFTA.

When the Regional Association of Cotija Cheese Producers - already connected with Álvarez, Chombo and Barragán - was transformed into the Pro Sierra Jalmich association and applied for the DO, the IMPI first answered that the request had been made by an organization that had no legal claim; although IP law does allow for producers associations to request a DO. The leaders of the Pro Sierra Jalmich did not only further substantiate their claim, but they turned to the media to display their request, and the media turned to the IMPI seeking statements and explanations¹³.

Further meetings then took place between the IMPI agents and the Cotija team. Ruben Álvarez summarises the IMPI's position with the following statement: "Among one of the nice things they told us was that designations of origin were for large entrepreneurs not for peasants". And indeed, when I interviewed the Deputy Director General of Industrial Property, Alfredo Carlos Rendón, his statements carried on the same line of argument. As he said, "designations of origin can help a product in the export market, but it is hardly useful for others. I regret it, but we cannot help them". The same was further reported by the agents of Michoacán's administration who later joined in the project. The IMPI agents see DOs as an appropriate vehicle for the largely industrialised and powerful producers of national and international relevance but do not seem them fit for smaller scale producers. The IMPI's concern regarding unfair competition, whether local or at an international scale, does not extend to rural artisanal production like Cotija cheese.

An example of this is the tequila case, which was also mentioned by Alfredo Rendón as a successful experience, and certainly seems to be inspirational internationally when collective forms of IP and their benefits for communities are discussed (Rangnekar 2009, p. 6, Barnette 2012, p. 103, Bowen 2012, p. 93). But Tequila producers in México are not subaltern communities in need of economic relief, governance or even acknowledgement of the value of their product; they have more in common with the European rural elites that have historically used DOs and geographical indications (Schultz 2005, pp. 466-467). In addition, tequila's DO has been questioned on the grounds of the sustainability (both social and ecological) expectations found in scholarly work, (Benni and Reviron 2009, p. 76, Barnette 2012, Bowen 2012) because it undermined the position of traditional agave producers in favour of distillers and bottler/distributors (Benni and Reviron 2009, p. 70). However, this view does match the focus on the export market that has led México's economic agenda for the last decades that is intimately related with the NAFTA, in which, we must recall, the leaders of the IMPI were involved. Twenty years after being signed, the NAFTA is criticised for its failure to bring better economic conditions to several sectors despite the fact that exports have increased (Villarreal 2012, Brooks 2013, González 2013a, 2013b, Miranda 2013, Castañeda 2014, Notimex 2014, Pérez 2014, Rosas 2014, Weisbrot *et al.* 2014), but this has not motivated a change in the economic policy of the country.

The IMPI agents' standpoint is also characterized by an underlying mestizo project that retains many of the arguments and beliefs of the indigenist paradigm inherited from colonial times. I asked during interview about the protection of indigenous knowledge, to which the Deputy Director General of Industrial Property answered that "well, they are Mexicans, what they may know is part of the Mexican knowledge". Furthermore, he spoke of artisanship as being rather rudimentary, I was even shown a piece from Santa Clara del Cobre to exemplify a work that

¹³ The project was displayed in a local newspaper in Guadalajara (capital of Jalisco) in May and June, 2004, at least one of the articles contained statements both by Estebán Barragán and the head of the IMPI's west office (Suárez 2004).

"anyone can do". Tequila, on the other hand, was presented as a product that "is identified in relation with México all around the world". It is the most fetichized aspects of mexicanity that the IMPI intends to project to the world through DOs. All these elements make it clear that the IMPI's stand on DOs works to further engrave Mexican identity in those products popular enough and "Mexican" enough to be sold abroad.

The IMPI's opposition seems based on the belief by the IMPI agents that Cotija cheese is not an ideal DO product because it is not a formal export market product. According to the agents handling the Cotija application, IMPI representatives argued against the DO considering that, due to the characteristics of their product and their own economic conditions, the producers of Cotija cheese are not in a position to take advantage of export markets and their product is not sufficiently recognised as a Mexican in the international sphere. Boucher (2006) indicates that 80% of Cotija cheese production is carried to the USA by Mexican migrants, but this is not a formal commercial channel and therefore it is irrelevant for the IMPI.

6. The second stage: the alliance with Michoacán's public institutions

In several ways, the IMPI's opposition to Cotija's DO application was precisely the driver for the growth of the project into what would become the CT policy, as the Cotija team had to develop new and stronger alliances in the pursuit of their aim. The Cotija team continued involved in the organisation of the Cotija cheese fairs and there, in 2004, they met Alfredo Ramírez Bedolla, who was the Undersecretary for Development of Micro, Small and Medium Enterprises (a department in the SEDECO). Alfredo Ramírez Bedolla was interested in the activities of the producers' association in Cotija and offered his support. Nevertheless, his interest in the Cotija DO was not only based on his desire to collaborate and help Cotija's producers. In fact, as he explained over an interview for this research, he saw that their success could be replicated in other communities, since most artisanal production in Michoacán is done in a collective manner, and the artisanal traditions can be considered relevant to the lifestyles of the communities, as was asserted in the case of Cotija.

Hence, Cotija's teams began an alliance with the first government from the left wing political party that was then governing in Michoacán, the Democratic Revolution Party (PRD)¹⁴. Michoacán has been linked closely with the PRD since its creation in 1989, because of the important role played by its founding president, Cuahutemoc Cárdenas Solórzano. Cuahutemoc Cárdenas was governor of Michoacán from 1980 to 1986 and, incidentally, he was the son of Lázaro Cárdenas del Río, former governor of Michoacán (1928-1932) and president of México (1934-1940) who achieved the nationalization of the oil industry and was central to stabilising the PRI in power. Michoacán had previously always been governed by the PRI, but, continuing with the political tradition of the Cárdenas' family, the anthropologist Lázaro Cárdenas Batel (son and grandson of the former) came to power in 2002. During his political campaign, Lázaro Cárdenas Batel often spoke in accordance with the pluralist discourse that the country had assumed in its 2001 constitutional reform, featuring matters of indigenous rights and promotion of cultural diversity.

The SEDECO was the first institution to become involved with the Cotija project due to Alfredo Ramírez's involvement. Alfredo Ramírez is a lawyer trained in the local public university, Universidad Michoacana de San Nicolás de Hidalgo (UMSNH) and had previously coordinated the Institute of Work Capacitation of Michoacán (ICATMI). He also had a solid career in the PRD. His work in the SEDECO had already included dealing with the market invasion faced by some artisanal products.

¹⁴ In the complicated realms of politics what is the left wing is often a contested matter, and in México's current debates the PRD's agenda is often challenged, especially by non-institutional agents. Nevertheless, out of the three main political parties, the PRD continues to be considered as the leftist.

He had tried to put forward a complaint on the grounds of unfair competition to no avail.

However, while the SEDECO was only involved with few artisanal producers, it was the CASART that had contact with the vast majority of the artisanal communities; therefore Alfredo Ramírez called upon José René Carrillo González, head of the CASART since 2002 until 2009. The architect José René Carrillo had a consolidated experience in the artisanal field and was also very closely linked with the PRD and the Cárdenas family. He worked as sub-director of the CASART during Cuahutemoc Cárdenas' government, from 1980 to 1986; then he worked in the area of entrepreneurial promotion in Michoacán and the FONART between 1986 and 2002. The agenda carried through the CASART changes significantly from one administration to the next¹⁵; however, during the period considered in this article - that of José René Carrillo - the CASART aligned itself with the aims of the PRD administration, making an important emphasis in tradition and indigeneity as added values of artisanship. José René Carrillo also brought along a lawyer trained at the UMSNH who was working at the time on a project on IP for the CASART, Héctor Chávez Castillo. The community of Paracho, famous for making guitars, had brought forward a complaint because their market was increasingly invaded by low quality guitars, supposedly from Chinese origin, which were being sold as if coming from Paracho. Héctor Chávez was trying to bring a solution through IP, mainly authors' rights, but his attempts had been unsuccessful. This had led Héctor Chávez to the exploration of IP options to register artisanship, but the collective nature of the production was a main obstacle. Indeed, as it is widely documented, traditional forms and understandings of IP have an emphasis on individual creation and innovation which disregards indigenous traditional cultural expressions created collectively and through traditions forged as a historical continuum (Dommann 2008; Kongolo 2008; Mackay 2009, Ibarra 2010). However, this problematic relation appears to shift as the IP's expansion seems to be accommodating indigenous cultural expressions through the possibilities brought by collective forms of IP, such as geographical indications, DOs¹⁶ and CTs (Oehlerich de Zurita 1999, p. 59, Kur and Knaak 2004, p. 223; Lucas-Schloetter 2004, p. 364).

It is no surprise then that when the agents from Cotija, the SEDECO and the CASART met, they found common ground to unite them. Nevertheless, it is pertinent to note that the agents involved in this struggle were not all lawyers; not even mainly lawyers. In this process law and the legal field are placed in discussion in the political field and struggle with the bureaucratic field and habitus. Even the IMPI agents do not seem to be defending the letter of the law, but their economic perspective and agenda for the country - as will be seen later on, their solution will even go further against the letter of the law. It is unavoidably an interdisciplinary discussion that includes the voices of agents who are profane to law, but gather their capitals from their participation in the political field and even in the academic field.

Furthermore, perhaps due to the struggle they were facing together, many of their discourses ended up with common understandings of the process and its relevance, also involving different lines of argument that oriented the aims of a pluralist paradigm. There is indeed a "revaluation" of culture in "meaning and income"

¹⁵ Although it cannot be further detailed in this article, the wider research indeed explored the different agendas taken by the CASART from 2005 until 2013. Other relevant activities of the CASART during this period include contests and exhibitions (see Ibarra 2011), as well as financing activities, training, and the establishment and handling of CASART shops.

¹⁶ México' legislation does not include geographical indications and only makes reference to DOs. Although the difference between the two is contingent, it relates with how closely linked the product has to be to the territory. In European legislation, i.e., geographical indications have a closer link with the place they are assigned to, owing all their elements to it and being entirely produced there; while DOs can have stages of its production elsewhere and have a more flexible link with the territory (European Commission 2004).

(Aylwin and Coombe 2014, pp. 770–771), but it comes also with a shift in what culture (or cultures) is being revalued in discourse. This entails overcoming the integrationist paradigm that held mestizo as the true Mexican identity to be imitated by indigenous; but how the indigenous and other traditional communities and their productions are to interact with the globalised world economy is a much more ambiguous matter. Mestizo state agents do deeply retain the idea of "true mexicanity", even if such cultural purity is essentially contradictory to their identity which was born from colonial contact. As stated by one of the agents from the SEDECO "You know how neoliberalism threatens traditions, people stop doing artisanship. We want to protect them, so we don't lose all those expressions". Indeed the discourse was very oriented to the protection of tradition and indigenous cultures, especially from agents from the CASART: "With all the globalisation stuff now people stop doing the traditional patterns and they copy what they see in magazines, and then the traditions are gone and nobody knows anymore how to do the original artisanship", "Our aim is to contribute to the preservation of the peoples' cultural heritage, especially that of indigenous peoples".

In this discourse, the threat to tradition comes from the contamination brought by globalisation and, to some extent, neoliberalism. "What people do here is different, there are no factories, everything is done by hand. This is the traditional way, it is not like in Walmart where everything is the same. (...) With all that comes from abroad artisans fall into wanting to do things in a way that does not respect tradition anymore". Cotija's artisanal production, as so many others in Michoacán, had a "traditional element" that they portrayed as an opposition to the massive industrialisation that takes one's mind to transnational enterprises. One of the agents from the CASART stated "People are losing their culture and they will continue to lose it if we adopt so much from abroad and have no interest in what is Mexican"

This was projected into the idea that DOs could protect a product's authenticity and thus fight market invasion by imprinting in it the notion of 'local' in commercialisation strategies; a notion later imprinted in CTs. As a CASART agent stated "(Buyers want) an object that represents a lot in historical and cultural terms, they also look for authenticity, right? Generally when we are going to buy we do not want to take something that is not authentic, no matter how much it looks like the authentic thing". This meant that DOs, and eventually CTs could help to better position the products in a competitive market, because "the competition is with all products, so everybody wants to sell, then everybody is fighting with claws and teeth".

In addition, there was an attempt to get producers to modify certain aspects of their strategies and practices in order to engage with transnational commerce. In this aspect there is a significant difference between the discourse of the CASART and that of the SEDECO. Agents from the CASART were more reluctant to change, "we went with the colleagues that were creating the small enterprises, to ask them to take into account the characteristics of the artisanal product; we want everyone to participate, everyone, but with criteria of respect to the tradition". But the agents from the SEDECO saw an opportunity to further engage with the artisanal products, and promote elements such as tax registration. The CASART agents knew this was complicated, but understood that this was part of the SEDECO logics "Sometimes they have a different vision, a micro-enterprises vision, right? which is different from an artisan work (...) at some point they require associations to get resources from the federation (...) they could guide artisans to regularize their tax situation, which is a very complicated issue to deal with in the (artisanal) sector but could help for them to maybe export later on".

The wide set of arguments built around the need for protection of Michoacán's artisanal production and the improvement of tools and conditions for marketing purposes shaped the negotiation that turned a DO application into the first CT. As

Ruben Álvarez explains "The project was achieved thanks to the authorities and despite the authorities". The Cotija team, the SEDECO and the CASART began campaigning with the intention to change IMPI's opposition. Some of the strategies were actually just a continuation of the activities already organised in Cotija: they continued working to showcase the Cotija Cheese fair, now with the help of Michoacán's administration in addition to Cotija's local administration; some articles were also produced (Chombo 2005, Schultz 2005, Linck *et al.* 2006, Barragán 2008) and they took advantage of several forums to showcase the research that they carried. Other strategies were less visible, but also more targeted. They began lobbying in the legislature to promote a change in México's IP legislation that would include geographical indications. They also organised several meetings with the IMPI directives, not only in México City - where the central IMPI offices are located - but also in Michoacán. Some of those meetings were not just gatherings in an office, but actual tours of Michoacán and encounters with the artisans and their traditions, in an attempt to convince the IMPI of the value of the products that Michoacán wanted to protect. To this day, the Deputy General Director of Industrial Property at the IMPI showcases a fruit bowl made out of copper with one of the traditional techniques used in the town of Santa Clara del Cobre (note the use of the word copper in the very name of the town). With the excuse of the upcoming 7th Cotija cheese fair, they also used media to report on Cotija cheese and their expectations for a DO.

The political pressure finally became enough for the IMPI to give in and attempt a solution, which would come in the form of a CT. They argued that the procedure would be simpler and cheaper; which makes sense given that CTs do not need proof of any kind of territorial basis or cultural depth - especially since CTs were not meant to become DOs. However, the most effective argument to opt for the CT instead of the DO had to do with the actual ownership of the registration and the different levels of independence from the state apparatus. A DO would be owned by the Mexican state and its use, quality control and new incorporations of producers would depend on a regulatory council, and there was no certainty that it would include community authorities. On the other hand, a CT would be registered by producers' associations that would remain in control of how it was handled without state involvement. Interestingly, this argument says much about the distrust of the state in the process of negotiation, even if some of the agents involved, and distrusting, belong to a part of the state themselves. Nevertheless, the CT still did not respond to Cotija's expectations. The main problems were that CTs would not prohibit others from making the same product or from trying to connect their product with the community, since CTs would not articulate the connection between territory and community central to the Cotija team's interest in DOs (Chombo 2005, Linck *et al.* 2006, Barragán 2008).

However, when the first CT in México was named "Queso Cotija, región de origen" ("Cotija Cheese, Region of Origin") the practice went beyond the letter of the law. Amongst other prohibitions, Mexican IP legislation on trademarks in general, including CTs, states that the words and symbols that are used as trademarks cannot include: the name of a town or region; a generic word (such as cheese); or misleading phrasing (as could be "region of origin", given its proximity with "designation of origin"). The Cotija producers suggested several names as options for the CT, all of which made different kinds of reference to the region of Cotija. They had argued in favour of the necessity of this connection but the IMPI agents had stated that it was not possible to include due to the IP law. They were pleasantly surprised when the name of the CT was approved, though they cannot account for the origin of this decision. CTs, which were not meant in formal law or by federal institutions to provide any geographic reference, were designed to do exactly that. The phrase "region of origin" that is treated dismissively by the IMPI's agents as being "merely nominal", represents a huge success for Cotija and

Michoacán's agents. Many even speak of the CTs in terms of "Region of Origin Marks", as if it was a formal legal concept.

Another problem identified by the team behind the Cotija application was their belief that CTs do not automatically portray the notion of quality that the Cotija team had been aiming for. In DOs, the quality of the product that they mean to uphold, in connection with space and social practices, is usually guaranteed by the establishment of a qualification dispositive, such as a regulatory council. CTs do not have those mechanisms, so they used the *rules of use* to establish basic common practices among the producers in the CT. In the Cotija case, *rules of use* were meant to clarify the way all CTs producers are supposed to work, to give a general description of the production mechanisms and process in relation to geographical context and social practices. The Cotija team had already worked and studied to characterise the product and its quality to an extent worthy of being included in a legal norm. So all that work would still be put to use through the *rules of use*, which are not only descriptive but also rather explanatory of the reasons behind the Cotija cheese's quality (Álvarez *et al.* 2005). Although more descriptive than mandatory, the rules of use have been seen as a quality guarantee.

Once the IMPI granted Cotija the CT, Michoacán's administration built on the public policy to reinforce the achievements of the negotiation through the CASART. What began as an initiative from a producers association seeking to protect the specificity of their product in relation with the territory became a public policy as it was taken up by the state institutions that specialised in culture and economics, two elements which are embedded in the artisanal sector. The CT, with rules to guarantee tradition and quality, and the reference to a specific geographic space, appeared as a worthy solution to deal with market invasion and to promote Michoacán's artisanship locally and internationally for the agents of the CASART and the SEDECO. If the achievement of the first CT was only possible thanks to the participation of state institutions, despite being an initiative brought from outside the state, the CTs that followed began precisely within the realm of state policy, structured as such and dependent of it to a great extent. This brought different dynamics that would change the project, though these will be the subject of following articles.

7. Conclusions

Due to their complicated and contested origin, CTs in Michoacán have a life which extends well beyond the letter of the law; they are legal hybrids with important implications for the cultural and economic agendas of Michoacán and México. On the one hand, this process shows how economic and cultural agendas are embedded; and how different agendas can conflict within state apparatus. And, on the other hand, it shows how very dependant the legal field is on the political field. Despite the different assumptions on different levels of independence of law from other social processes, it is clear that little of this process actually depended on the written text or even the legal field. In fact, law is negotiated in political disputes that are grounded in local processes and specific historic moments, shaped by the local history and processes of globalisation.

This research began with the hypothesis that, despite there being a favourable discourse regarding diversity, the possibilities for collective creations, be it indigenous or traditional, are limited by the legal framework that places obstacles to access the law. In a socio-legal fashion, I did not find the limits constrained to the legal text, though I did find limits there. But the limits I found more significant were those that emerged from the practices and ideas of the agents involved in the design of CTs in Michoacán; from their economic agenda and the way they understand and conceive México's cultural diversity. In this way, the design of CTs is in fact negotiated between competing mestizo projects, which in turn highlights

the inherent ambivalences and contradictions that the shift of paradigms, from integration to pluralism, has produced for the mestizo project and identity.

Yet I believe there are two discussions that are intimately related with the case studied, though perhaps not central to the analysis I have presented here. One refers to the point raised on behalf of traditional cultural expressions that questions the focus on the author and on innovation that can be found in the more traditional views of IP. As I have mentioned previously, most CTs in Michoacán represent the products of communities devoted to artisanship as a part of a model created during the colonial period, hence the fact that most CTs belong to indigenous communities. But Cotija is not an indigenous community, nor are the agents involved in the initiation of the project. However, rather than seeing this as a mark that the project is non-indigenous, I believe that this fact provides a basis for extending the indigenous objections to IP beyond ethnicity and for questioning how the interests of indigenous communities are managed in the context of a policy agenda which is based on a pluricultural discourse.

Another element that needs further discussion refers to the way law can indeed be flexible, and the conditions under which this can be achieved. The creation of a hybrid that some of the agents involved still call a "region of origin trademark" is a way to exploit the symbolic power of law that goes in fact beyond actual regulation. The flexibility of law, and its realisation in instrumental possibilities, however, must also not be taken for granted. It is not accessed just by turning to law. The process here analysed shows that many resources and capitals must be put to work in order to manage that flexibility. The hybrid was achieved thanks to agents who, involved in the political or in the academic field, had access to several means of pressure. And then the project becomes the materialisation of their success, which they will try to keep afloat. This continues to make law a place of struggle, as the place in which political participation is not only possible, but also necessary.

References

- Aboites, J., and Soria, M., 2008. *Economía del conocimiento y propiedad intelectual. lecciones para la economía mexicana*. México: Siglo XXI, Universidad Autónoma Metropolitana.
- Aboites, L., and Loyo, E., 2011. La construcción del nuevo Estado, 1920-1945. In: E. Velásquez, et al. eds. *Nueva historia general de México*. México: El Colegio de México, 595-651.
- Álvarez, R., Barragán, E., and Chombo, P., 2005. *Reglas de Uso de la Marca Colectiva "Queso Cotija Región de Origen."* México: Asociación Regional de Productores de Queso Cotija, Pro Sierra de Jalmich, Centro de Investigación Aplicada en Tecnología y Diseño del Estado de Jalisco, El Colegio de Michoacán.
- Aylwin, N., and Coombe, R.J., 2014. Marks Indicating Conditions of Origin in Rights-Based Sustainable Development. *University of California, Davis Law Review*, 47, 753-786. Available from: http://lawreview.law.ucdavis.edu/issues/47/3/Symposium/47-3_Aylwin-Coombe.pdf [Accessed 22 July 2016].
- Barnette, J., 2012. Geographic Indications as a Tool to Promote Sustainability? Café de Colombia and Tequila Compared. *Ecology Law Currents* [online], (39), 102-112. Available from: <http://elq.typepad.com/currents/2012/10/currents39-06-barnette-2012-1020.html> [Accessed 20 July 2016].
- Barragán, E., 1990. *Más allá de los caminos. Los rancheros del Potrero de Herrera*. Zámora: El Colegio de Michoacán.
- Barragán, E., 2008. *Andando se llega lejos. Las batallas del queso Cotija*. Morelia: COECYT, El Colegio de Michoacán.

- Barragán, E., and Chávez, M., 1998. El queso Cotija se nos va de las manos. In: V. Oikión, ed. *Manufacturas de Michoacán*. Zamora: El Colegio de Michoacán, 189–219.
- Benni, N. El, and Reviron, S., 2009. *Geographical Indications: review of seven case-studies world wide* [online]. Zurich: ETH, IED. Available from: http://phase1.nccr-trade.org/images/stories/publications/IP5/GI_Case-studies_2009.pdf [Accessed 20 July 2016].
- Bonfil, G., 1999. *Pensar nuestra cultura*. 5th ed. México: Alianza.
- Bonfil, G., 2008. *México profundo, una civilización negada*. 3rd ed. México: De Bolsillo.
- Boucher, F., 2006. Vías Lácteas del Desarrollo Territorial. *ComunIICA Online* [online], 7. Available from: <http://webiica.iica.ac.cr/prensa/comuniica/2006/n7-esp/Pdfs/n4.pdf> [Accessed 22 July 2016].
- Bourdieu, P., 2008. Algunas propiedades de los campos. In: P. Bourdieu. *Cuestiones de Sociología*. Madrid: Akal, 112–119.
- Bowen, S., 2012. Las indicaciones geográficas, la globalización y el desarrollo territorial: el caso tequila. *Agroalimentaria*, 18 (34), 91–103.
- Brooks, D., 2013. Si alguien ha ganado, no son los trabajadores: sindicalistas. *La Jornada* [online], 31 December, p. 4. Available from: <http://www.jornada.unam.mx/2013/12/31/politica/004n2pol> [Accessed 22 July 2016].
- Castañeda, J.G., 2014. Más TLC. *Nexos* [online], January. Available from: <http://www.nexos.com.mx/?p=15680> [Accessed 22 July 2016].
- Chombo, P., 2005. Experiencia de un encuentro inesperado. La apropiación de una propuesta tecnológica para la producción artesanal con certificación de origen y calidad del queso Cotija. In: E. Barragán, ed. *Gente de campo. Patrimonios y dinámicas rurales en México*. Vol. II. México: El Colegio de Michoacán, 481–500.
- Chombo, P., 2008. El Queso Cotija, un caso especial. In: F. Cervantes et al., eds. *Los quesos genuinos mexicanos, patrimonio cultural que debe rescatarse*. México: Munid-Prensa, Universidad Autónoma de Chapingo, Universidad Autónoma del Estado de México, 149-162.
- Coombe, R.J., and Aylwin, N., 2011. Bordering diversity and desire: using intellectual property to mark place-based products. *Environment and Planning A*, 43 (9), 2027–2042. <http://doi.org/10.1068/a43256>
- Dezalay, Y., and Garth, B., 2002. *La internacionalización de las luchas por el poder. La competencia entre abogados y economistas por transformar los Estados latinoamericanos*. Bogotá: ILSA.
- Dommann, M., 2008. Lost in tradition? Reconsidering the history of folklore and its legal protection since 1800. In: C.B. Graber and M. Burri-Nenova, eds. *Intellectual Property And Traditional Cultural Expressions In A Digital Environment*. Cheltenham: Edward Elgar, 3–16.
- European Commission, 2004. *Protection of Geographical Indications, Designations of Origin and Certificates of Specific Character for Agricultural Products and Foodstuffs. Regulation* [online]. 2nd ed. Brussels: European Commission. Available from: http://ec.europa.eu/agriculture/publi/gi/broch_en.pdf [Accessed 22 July 2016].
- García, B., 2011. Los años de la expansión. In: E. Velásquez, et al., eds. *Nueva historia general de México*. México: El Colegio de México, 217–262.

- González, S., 2013a. Concentran 500 trasnacionales beneficios de exportaciones: académico. *La Jornada En Línea* [online], 24 November. Available from: <http://www.jornada.unam.mx/ultimas/2013/11/24/concentran-500-trasnacionales-beneficios-de-exportaciones-academico-7038.html> [Accessed 22 July 2016].
- González, S., 2013b. Unas 100 empresas acaparan 50% de las exportaciones. *La Jornada* [online], 31 December, p. 3. Available from: <http://www.jornada.unam.mx/2013/12/31/politica/003n1pol> [Accessed 22 July 2016].
- Ibarra, L., 2010. Autores Indígenas en México. *Sortuz. Oñati Journal of Emergent Sociolegal Studies* [online], 4 (2), 24–38. Available from: <http://opo.iisj.net/index.php/sortuz/article/view/586> [Accessed 22 July 2016].
- Ibarra, L., 2011. The Interaction Between Law, Economics and Indigenous Cultures: The Ocumicho Devils. *Oñati Socio-Legal Series*, 1 (1), 1–33. Available from: <http://ssrn.com/abstract=1737355> [Accessed 22 July 2016].
- Kongolo, T., 2008. *Unsettled international intellectual property issues*. Austin: Wolters Kluwer.
- Kunts, S., and Speckman, E., 2011. El Porfiriato. In: E. Velásquez et al. eds. *Nueva historia general de México*. México: El Colegio de México, 487–536.
- Kur, A., and Knaak, R., 2004. Protection of traditional names and designations. In: S. von Lewinski, ed. *Indigenous heritage and intellectual property. Genetic resources, traditional knowledge and folklore*. The Hague: Kluwer, 221–258.
- León, R., 2007. Vasco de Quiroga y la Utopía de Tomas Moro. In: J.C. Luna, ed. *La ruta de Don Vasco*. Madrid: Lunweg, Gobierno del Estado de Michoacán, 33–34.
- Linck, T., and Barragán, E., 2010. Un queso pastoril en la nueva tormenta agraria. Las indicaciones geográficas entre saqueo, intensificación ecológica y empoderamiento de las sociedades rurales. In: P. Sánchez and A. Riella, eds. *Globalización y perspectivas de integración regional*. Universidad de Murcia, 249–267.
- Linck, T., Barragán, E., and Casabianca, F., 2006. De la propiedad intelectual a la calificación de los territorios: lo que cuentan los quesos tradicionales. *Agroalimentaria* [online], 12(22), 99–109. Available from: <http://redalyc.uaemex.mx/src/inicio/ArtPdfRed.jsp?iCve=199216556009> [Accessed 22 July 2016].
- Lucas-Schloetter, A., 2004. Folklore. In: S. von Lewinski, ed. *Indigenous heritage and intellectual property. Genetic resources, traditional knowledge and folklore*. The Hague: Kluwer, 259–377.
- Mackay, E., 2009. Indigenous traditional knowledge, copyright and art - Shortcomings in protection and an alternative approach. *The University of South Wales Law Journal*, 32 (1), 1–26.
- Madsen, M.R., 2006. Transnational fields: Elements of a reflexive sociology of the internationalisation of law. *Retfærd*, 3 (114), 23–41.
- Miranda, F., 1997. Sobrevivencias de artesanías prehispánicas. In: V. Oikión, ed. *Manos Michoacanas*. México: El Colegio de Michoacán, Gobierno del Estado de Michoacán, UMSNH, 35–47.
- Miranda, J.C., 2013. *Poquitín* injusto, atribuir los niveles de pobreza al tratado, asegura Serra Puche. *La Jornada* [online], 31 December, p. 3. Available from: <http://www.jornada.unam.mx/2013/12/31/politica/004n1pol> [Accessed 22 July 2016].

- Notimex, 2014. TLC cumple 20 años con un México beneficiado: SE. *El Economista* [online], 1 January. Available from: <http://eleconomista.com.mx/industrias/2014/01/01/tlc-cumple-20-anos-mexico-beneficiado-se> [Accessed 22 July 2016].
- Oehlerich de Zurita, A., 1999. *Ni robo, ni limosna. Pueblos indígenas y propiedad intelectual*. Santa Cruz: IBIS, CEJIS, CABI, CIDOB.
- Oikión, V., 1997. Manos a la obra. In: V. Oikión, ed. *Manos Michoacanas*. México: El Colegio de Michoacán, Gobierno del Estado de Michoacán, UMSNH, 15–31.
- Pérez, M., 2014. Campo devastado. *La Jornada* [online], 20 February, p. 2. Available from: <http://www.jornada.unam.mx/2014/02/20/politica/002n1pol> [Accessed 22 July 2016].
- Rangnekar, D., 2009. *Geographical Indications and Localization : A Case Study of Feni* [online]. United Kingdom: CSGR, ESRC, University of Warwick. Available from: <http://ssrn.com/abstract=1564624> [Accessed 22 July 2016].
- Rosas, A., 2014. Mitos del TLCAN a 20 años. *Revolución 3.0* [online], 19 February. Available from: <http://revolucionrespuntocero.com/mitos-del-tlcan-a-20-anos/> [Accessed 22 July 2016].
- Sánchez, G., 2007. Vasco de Quiroga y la esperanza en el futuro. In: J.C. Luna, ed. *La ruta de Don Vasco*. Madrid: Lunwerg, Gobierno del Estado de Michoacán, 16–19.
- Santos, B. de S., 2009. Más allá del pensamiento abismal: de las líneas globales a una ecología de saberes. In: E. Sader, ed. *Pluralismo epistemológico* [online]. La Paz: CLACSO, CIDES-UMSA, Muela del Diablo, Available from: <http://bibliotecavirtual.clacso.org.ar/ar/libros/coedicion/olive/> [Accessed 22 July 2016].
- Schultz, T., 2005. Protección de indicaciones geográficas. Estrategias para el mejoramiento de los hombres de campo. In: E. Barragán, ed. *Gente de campo. Patrimonios y dinámicas rurales en México*, Vol. II. México: El Colegio de Michoacán, 459–475.
- Scott, J.C., 1990. *Domination and the arts of resistance*. New Haven and London: Yale University Press.
- Scott, J.C., 1998. *Seing like a state: how certain schemes to improve the human condition have failed*. New Haven and London: Yale University Press.
- Speed, S., 2008. *Rights in rebellion. Indigenous struggle and human rights in Chiapas*. Stanford University.
- Stavenhagen, R., 2002. Indigenous peoples and the state. In: R. Sieder, ed. *Multiculturalism in Latin América. Indigenous rights, diversity and democracy*. London: Palgrave Macmillan, 24–44.
- Suárez, G., 2004. Beneficiará denominación a los productores de Cotija. *Mural Guadalajara* [online], 22 May. Available from: <http://mural-guadalajara.vlex.com.mx/vid/beneficiara-denominacion-productores-cotija-79485608> [Accessed 22 July 2016].
- Suárez, L., 2011. Jorge Amigo: yo no renuncie. *Entrepreneur* [online], 19 (8). Available from: <http://www.soyentrepreneur.com/jorge-amigo-yo-no-renuncie.html> [Accessed 22 July 2016].
- Villarreal, M.A., 2012. *U. S. - Mexico Economic Relations: Trends, Issues, and Implications* [online]. Washington: Congressional Research Servide. Available from: <http://www.fas.org/sqp/crs/row/RL32934.pdf> [Accessed 22 July 2016].

Weisbrot, M., Lefebvre, S., and Sammut, J., 2014. *¿El TLCAN ayudó a México? Una valoración tras 20 años* [online]. Washington. Available from: <http://cepr.net/publicaciones/spanish-reports/iel-tlcan-ayudo-a-mexico-una-valoracion-tras-20-anos> [Accessed 22 July 2016].